

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

DOE, *et al.*,

Plaintiffs,

v.

HOOD, *et al.*,

Defendants.

Case No. 3:16-cv-00789-CWR-FKB

**MEMORANDUM OF LAW IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO AMEND THE COMPLAINT**

Plaintiffs respectfully request leave to amend their complaint pursuant to Fed. R. Civ. P. 15(a)(2), which states that “a party may amend its pleading only with the opposing party's written consent or the court's leave.” Rule 15 further provides that “[t]he court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2).

Defendants have reviewed Plaintiffs' proposed amendments. Without agreeing that any allegation, assertion, or other matter in the amended complaint is true or correct, and without waiving any rights or defenses to the amended complaint, Defendants do not object to Plaintiffs' amending the complaint.

As described in Plaintiffs' motion, Plaintiffs' proposed amendments make a correction in an allegation of fact, add an additional detail in an allegation of fact, and clarify the nature of their due process claims. These amendments do not prejudice Defendants and are necessary to

ensure that the complaint is accurate and to describe more fully the nature of the constitutional issues at stake. Justice therefore requires that Plaintiffs be granted leave to amend.

For these reasons, Plaintiffs respectfully request that the Court grant Plaintiffs' unopposed motion to file a first amended complaint.

Dated: October 13, 2017

Respectfully submitted,

CENTER FOR CONSTITUTIONAL RIGHTS

By: /s/ Ghita Schwarz
Ghita Schwarz
pro hac vice
Alexis Agathocleous
pro hac vice
666 Broadway, 7th Floor
New York, NY 10012
Tel: (212) 614-6445
Fax: (212) 614-6499
aagathocleous@ccrjustice.org
gschwarz@ccrjustice.org

McDUFF & BYRD

By: /s/ Robert B. McDuff
Robert B. McDuff
Bar No. 2532
Jacob W. Howard
Bar No. 103256
767 North Congress Street
Jackson, Mississippi 39202
Tel: (601) 969-0802
Fax: (601) 969-0804
rbm@mcdufflaw.com
jake@mcdufflaw.com

LAW OFFICE OF MATTHEW STRUGAR

By: /s/ Matthew Strugar
Matthew Strugar
pro hac vice
2108 Cove Avenue
Los Angeles, CA 90039
Tel: (323) 739-2701
matthewstrugar@gmail.com